

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT BROOKS (#181158),

Plaintiff,

No. 4:03-cv-137

v

Hon. RICHARD ALAN ENSLEN
MAG. ELLEN S. CARMODY

PETER YOUNGERT, et al,

Defendant.

Mark S. Pendery (P57683)
Rhoades McKee
Attorneys for Plaintiff
161 Ottawa NW, Ste 600
Grand Rapids, Michigan 49503
(616) 235-3500

John L. Thurber (P44989)
Assistant Attorney General
Attorney for Defendants Youngert & Stowell
PO Box 30217
Lansing, MI 48909
(517) 335-7021

DEFENDANTS' REQUESTED VOIR DIRE

The Defendants, by and through their attorney, John L. Thurber, request the following voir dire questions be asked of prospective jurors:

1. Have you, or any member of your family, ever been convicted of a felony?
2. Have you, or any member of your family, or a close friend, ever been confined in a jail, prison, or similar facility?
3. Have any of you ever visited or toured a jail, prison, or similar facility?
4. Do any of you harbor ill feeling toward the Michigan Department of Corrections, corrections officers, or law enforcement officers generally?
5. The Defendants in this case are employees of the Michigan Department of Corrections and are represented by the Michigan Attorney General. Do any of you harbor ill feelings toward the Michigan Department of Attorney General?
6. Have any of you read reports in any newspapers, magazines or other publications or watched any televised news-casts regarding prisoner assaults on guards within the past two years?

7. Plaintiff claims that the Defendants violated provisions of the United States Constitution. Will each of you follow the Court's instructions regarding what Plaintiff is required to prove in order to establish a constitutional violation?

8. Plaintiff is suing the Defendants personally for damages. That is, he is suing them as individual citizens, not merely as figureheads of the State of Michigan. Will each of you consider this suit as one brought personally against the Defendants?

9. In this case, you will first hear from the Plaintiff and his witnesses. Later you will hear from the Defendants and their witnesses who will give you their side of the case. Will each of you keep an open mind and postpone reaching a final decision in this case until you have heard both sides?

10. Without hearing any evidence, do any of you believe that just because the Plaintiff filed a lawsuit, the Defendants must have done something wrong?

11. Are each of you willing to hold the Plaintiff to his burden of proof in this case?

Respectfully submitted,

Michael A. Cox
Attorney General

/s/ John L. Thurber (P44989)
Assistant Attorney General
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Dated: November 13, 2006

Brooks - 2004002663A (WD)\TRIAL DOCS\Voir Dire.

PROOF OF SERVICE:

I hereby certify that on 11/13/2006, I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF System which will send notification of such filing to the attorneys of record listed herein and I hereby certify that I have mailed by US Postal Service the document to the involved non-participant.

/s/ John L. Thurber

Assistant Attorney General
Attorney for Defendants